

REMARKS

The Office Action of October 28, 2003 has been received and its contents carefully reviewed. Claims 27 and 28 are currently pending in the application.

The present invention is directed to an electrical contact and a connector assembly incorporating the contact. More particularly, the present invention is directed to an electrical contact that provides improved "hot swap" capability. In other words, the ability to insert and remove electronic cards into and out of a system while the system is on without negative effects on the system.

Claims 27 and 28 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,747,783 to Bellamy et al. (hereinafter "the Bellamy reference"). The rejection is respectfully traversed.

In rejecting the pending claims 27, 28, the Office Action seems to mix and match the language of the two claims without clearly addressing each claim individually. Frankly, this makes it very difficult to respond to the rejection. However, Applicant will respond to the best of their understanding of the rejection.

The Office Action states, in part, that the Bellamy reference comprises, "a first contact (11) . . . comprising a conductive material (11) having a first resistivity; and a resistive material (13, 15) having a second resistivity significantly higher than the first resistivity . . . to produce an initial high resistance connection along a shortest path between the second contact and the conductive material." To support this rejection and in response to Applicants' arguments submitted in the previously Reply and Appeal Brief, the Office Action states "the resistive portion of Bellamy includes two layers (13, 15). This resistive portion is in direct contact with the conductive portion (11), and therefore it provides a shortest path of conduction."

While the examiner is entitled to give the present claims and the reference their broadest interpretation, such an interpretation must be reasonable in light of disclosure and teaching of the reference and the

present specification. The examiner is unreasonably interpreting the meaning of both the Bellamy reference and the present invention outside of their plain meaning. This is clearly not permitted.

First, the examiner is taking the position that the two layers 13 and 15 make up a single resistive layer. Second, the examiner is taking the position that the aforementioned resistive layer will somehow provide a shortest path of conduction between the mating (second) contact and the conductive (first) portion. Neither of these positions are supported by a proper interpretation of the Bellamy reference.

In describing the elements of the configuration disclosed in Figures 1 and 2, the Bellamy reference clearly and plainly defines the outer layer 13 as a resistive material and the layer 15 as an insulating layer, such that "resistive material 13 is insulated from the conductive surface of pin 11."

The Random House Dictionary of the English Language, 1973, defines insulate as "1. to cover or surround (an electric wire or the like) with nonconducting material. 2. to separate conductors by the interposition of a nonconductor in order to prevent or reduce the transfer of electricity, heat or sound" and defines insulator as "a material of such low conductivity that the flow of current through it can usually be neglected." Webster's Third New International Dictionary, 1993, defines insulate as "to separate or shield (a conductor) from conducting bodies by means of nonconductors so as to prevent transfer of electricity, heat or sound" and defines insulator as "a body of electrically nonconducting material for keeping charged conductors from contact with each other . . ."

It is clear that the plain meaning of these elements (as clearly intended by the inventors) and the manner in which one of ordinary skill in the art would surely interpret them would be that layer 13 and layer 15 are clearly two different layers of two different materials having two vastly distinct properties. Furthermore, it is clear that such an interpretation would establish that current would not flow through the insulating layer 15 but would flow along the resistive material 13.

It is clear from a full reading of the Bellamy reference that the term insulating layer, as used therein, would only be interpreted as defined above, for example to prevent transfer of electricity. To define it otherwise would be wholly unreasonable and improperly expand the teaching of the Bellamy reference.

Clearly the Bellamy reference intends to distinguish between the two layers 13 and 15, as they are given two clearly distinct labels, resistive vs. insulating. As such, it is not reasonable for the examiner dismiss the label Bellamy gives to layer 15 (insulating) and include it with layer 13 as a resistive layer. The only reasonable interpretation would be that the layers 13 and 15 are two distinct elements serving two distinct purposes. In light of the foregoing, it is clear that the interpretation of the insulating layer 15 as part of a resistive layer is inappropriate.

Even assuming for the sake of argument that a resistive portion did include both layers 13 and 15, one can not simply dismiss the properties the Bellamy reference attributed to the layer 15 by defining it as an insulating layer. These properties are defined by the plain meaning of the term as one of ordinary skill in the art would interpret them as set out in the definitions above. Based on this clear definition, such a resistive portion would not "allow current flow along a shortest path between the mating contact and the conductive portion" as recited in claim 27 or "produce an initial high resistance connection along a shortest path between the second contact and the conductive material" as recited in claim 28 but would prevent current flow through the insulating layer 15 thereby forcing any current to flow along the resistive layer 13 which would be an extended (not shortest) path.

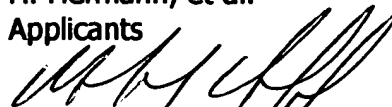
In light of the foregoing, it is respectfully submitted that independent claims 27 and 28 are not anticipated by the Bellamy reference. It is respectfully requested that the examiner reconsider and withdraw the rejection and issue a notice of allowance at the earliest possible time.

If the examiner has any questions regarding the presently pending claims which could be easily resolved by a telephone conference, the examiner is respectfully requested to contact the Applicants' representative at the below listed number.

Respectfully submitted,

H. Hermann, et al.
Applicants

By:



Michael Aronoff
Registration No. 37,770
Attorney for Applicants
Phone: (302) 633-2770
Facsimile: (302) 633-2776

ways . . . somehow ~ with plot — T.S.Eliot) (political and economic power are ~ one to the other) — *Commonwealth*